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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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DEC 16 1996

Federal Communications Commission
Office of Secretary

In the Matter of)
)
The Development of Operational,)
Technical, and Spectrum Requirements)
for Meeting Federal, State and Local)
Public Safety Communications)
Requirements Through the Year 2010)

WT Docket No. 96-86

REPLY COMMENTS OF THE MANAGER
OF THE NATIONAL COMMUNICATIONS SYSTEM

The Secretary of Defense, Executive Agent of the National Communications System (NCS)¹, through duly authorized counsel, pursuant to Section 201 of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 481, and the Memorandum of Understanding between the Department of Defense and the General Services Administration dated November 27, 1950, hereby files these reply comments on behalf of the Manager, NCS, in the above

¹Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications functions," April 3, 1984 (49 Fed. Reg. 13471, 1984), established the National Communications System, which consists of an administrative structure involving the Executive Agent, Committee of Principals, Manager and the telecommunications assets of the federal organizations which are represented on the Committee of Principals. Section 1(e) of E.O. 12472 designates the Secretary of Defense as Executive Agency for the NCS. By direction of the Executive Office of the President (EOP), the NCS member organizations (which are represented on the Committee of Principals) are; Department of Agriculture, Central Intelligence Agency, Department of Commerce, Department of Defense, Department of Energy, Federal Emergency Management Agency, General Services Administration, Department of Justice, National Aeronautics and Space Administration, the Joint Staff, Department of State, Department of Transportation, Department of the Treasury, U.S. Information Agency, the Department of Veterans Affairs, Department of Health and Human Services, Department of the Interior, National Security Agency, the National Telecommunications and Information Administration and the Nuclear Regulatory Commission. The Federal Communications Commission, the United States Postal Service and Federal Reserve Board also participate in the activities of the NCS. The vast majority of the telecommunications assets of these 23 organizations are leased from commercial communications carriers and serve the NS/EP needs of the Federal government as well as State and local governments.

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captioned proceeding².

The NCS has been an active participant in Project 25 and believes it will provide a valuable asset to meet the needs of many of those engaged in National Security and Emergency Preparedness (NS/EP) communications. These reply comments only address those issues in the proceeding that concern Project 25.

The NCS agrees with the Commission³ that new Section 273(d)(4) of the Communications Act is on its face not applicable to private organizations developing standards for public safety communications. Moreover, the Commission should not attempt to use the procedures outlined in Section 273(d)(4) as a guide for the development of public safety communications standards by private organizations. The Commission's authority to impose conditions on the standards setting process for entities not covered by Section 273(d)(4) is far from clear. The issue is moot in any event as it relates to Project 25. The main principles enunciated in Section 273(d)(4), openness and fairness in the standards setting process, have been complied with by the Telecommunications Industry Association (TIA) throughout the long development period of the Project 25 Land Mobile Radio (LMR) effort. Anyone with an interest, including public safety officials, government, and equipment manufacturers, has been permitted and encouraged to participate in the process.

Any standards developed for LMR by TIA for Project 25 will be a voluntary ones. Any Intellectual Property Rights that may be incorporated into the standard will be available to all

² The NCS has pending before the Commission its Petition for Rulemaking relating to the establishment of the Cellular Priority Access Service. *See*, DA 96-604, April 18, 1996. The petition is currently assigned the same docket number as this proceeding and the Manager has previously filed comments and reply comments under this docket number relating to Cellular Priority Access Service.

³And with Motorola and the Telecommunications Industry Association (TIA). Motorola Comments, page 13. TIA Comments, page 6.

manufacturers under fair and reasonable terms. Equipment manufacturers will be free to manufacture to the standard or not as they see fit. Users of LMR for public safety purposes will be free to choose equipment manufactured to the Project 25 standard or any other equipment, whichever best meets perceived needs. Competition in the provision of LMR products will increase.

Project 25 will lead to enhanced capabilities for NS/EP communications.

CONCLUSION

The Manager fully supports Project 25. The effort should continue without Commission oversight.

Respectfully submitted,



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